

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEMARIUS WALKER,

Plaintiff,

v.

BEERS, CODY HAUGHT, WARDEN
THOMPSON, LONG, and
L.T. ROBINSON,

Defendants.

Case No. 23-cv-2732-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court for case management purposes. Plaintiff DeMarius Walker, who is represented by counsel, filed this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983 on August 8, 2023. At the time Walker's counsel filed his case, Walker already had a pending case *Walker v. Thompson*, Case No. 23-cv-1466-SMY, which Plaintiff filed *pro se* on May 1, 2023. The allegations in his current case appear to be duplicative of his *pro se* filed case.

On August 9, 2023, the Court directed Walker's counsel to file a notice with the Court indicating whether he intended the Complaint to be a new case, rather than an amended pleading in Case No. 23-cv-1466-SMY (Doc. 9). Counsel was directed to file a response by August 23, 2023. Counsel was also directed to file a formal notice of appearance and a notice of consent/declination of consent to magistrate judge (Docs. 5 and 8). As of this date, counsel has failed to file the required notices. Plaintiff was recently

warned that if he did not return his notice of consent/ declination of consent to magistrate judge by September 5, 2023, he would face sanctions (Doc. 10). Counsel continues to ignore orders from this Court.

Accordingly, **NOTICE IS HEREBY GIVEN** that this case will be **DISMISSED with prejudice** for Walker's continued failure to respond to Court Orders unless his counsel enters his appearance and responds to the pending Court Orders (Docs. 9 and 10) by **September 13, 2023**. Failure to comply with this Order will result in the Complaint being dismissed with prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

DATED: August 30, 2023

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court for the District of New Jersey.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge